

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 98-295 (JAF)

V.

LUIS SANTANA-MENDOZA (01),

Defendant.

ORDER

This case is an embarrassment to the criminal justice system. Luis Santana-Mendoza was convicted of a non-violent crime, milk adulteration, in the year 2000. He was sentenced on May 16, 2000, to serve an imprisonment term of 12 months. Voluntary surrender was granted. The Court of Appeals affirmed the conviction on September 18, 2002, and, for reasons unknown to the court, the United States Marshals Service and the Bureau of Prisons did not complete the prison designation process until this year.

The defendant is a psychiatric patient who has been under psychiatric treatment since at least the year 2002, with a diagnosis of major depression, paranoia, and insomnia. In the early summer of 2008, the defendant was committed to a psychiatric institution for nine days. Presently, he is participating in an out-patient mental health treatment program. Through all these years, the defendant remained under Pretrial Services' supervision. He has complied with every single condition imposed, has remained gainfully employed, and has complied with all his tax obligations.

Committing this defendant to a Bureau of Prisons' institution under these circumstances at this time appears to serve no purpose

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1 and, indeed, shocks the conscience. The defendant has informally
2 completed a supervised release term longer than that imposed as part
3 of his criminal sentence.

4 The court will hold a hearing on **September 18, 2008, at**
5 **1:30 P.M.**, where the government will show cause as to why the court
6 should not take the extraordinary measure of setting aside the
7 incarceration portion of the defendant's sentence. The court expects
8 to receive evidence of the defendant's present psychiatric condition
9 at the hearing.

10 **IT IS SO ORDERED.**

11 San Juan, Puerto Rico, this 19th day of August, 2008.

12 S/José Antonio Fusté
13 JOSE ANTONIO FUSTE
14 Chief U. S. District Judge